

DECISION RECORD
FOR
CLEAR CREEK RIPARIAN FENCE
ENVIRONMENTAL ASSESSMENT
OR-025-1999-016

INTRODUCTION: Following a 30-day comment period of the Clear Creek Fence Project Environmental Assessment (EA), OR-025-1999-016, the Three Rivers Field Office, Bureau of Land Management (BLM) is issuing a decision for the construction of approximately 3.2 miles of fence, modification of an existing grazing system in the Stinkingwater Allotment, development of three springs, and juniper control around two springs. This will affect approximately 3.6 miles of Clear Creek.

DECISION: Having considered a range of alternatives and associated impacts and based on the analysis in the Clear Creek Fence Project EA, it is my decision to implement the proposed action which proposes to improve riparian and upland health, and to improve important wildlife and wild horse habitat and water quality. This decision pertains only to land administered by the BLM.

Rationale for Decision: I have selected the proposed action for the following reasons:

The proposed action would increase the health and vigor of Clear Creek riparian areas along approximately 3.6 miles of stream channel.

It will not adversely impact the Stinkingwater wild horse herd.

It will not adversely impact the operations of the grazing permittee in the Stinkingwater Allotment.

It will not adversely impact the Biscuitroot Area of Critical Environmental Concern.

The location of this fence will require less maintenance than alternative locations.

The location of this fence provides more water sources for livestock, wild horses, and other wildlife within the northern pasture.

It promotes and sustains healthy ecosystems.

Based on past experience there is a high likelihood for success.

It includes coordination with local government, tribal entities, permittees, and other State and Federal agencies.

Public involvement consisted of direct mailing to 10 individuals, organizations, tribes, and agencies and a notice in the local newspaper. I received one comment during the Finding of No Significant Impact EA review period.

It is in conformance with Section 7(a)(1) of the Endangered Species Act.

It is in compliance with the Three Rivers Resource Management Plan (1992).

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

I have also considered alternatives to the proposed action including:

Alternative II - This alternative proposes to create a riparian pasture smaller than the proposed action and develop water sources to improve riparian conditions and livestock distribution. Approximately 3.8 miles of fence would be constructed, the existing grazing system would be changed, six springs would be developed, juniper would be controlled at four spring sites, and one reservoir would be constructed. I did not select this alternative because wild horses may stay in the Clear Creek riparian area longer than the proposed alternative, fence maintenance and monitoring costs would be higher than the proposed action, and big game movement may be inhibited where the fence is close to or on steep slopes.

Alternative III - This alternative also proposes to create a riparian pasture smaller than the proposed action to improve riparian conditions and livestock distribution. Approximately 3.2 miles of fence would be constructed, the existing grazing system would be changed, and no other developments would take place. I did not select this alternative because livestock would have a greater tendency to "push" fences close to water requiring higher maintenance and monitoring costs than the proposed action, big game movement may be inhibited where the fence is close to or on steep slopes, and wild and free-roaming horse movement would be most restricted in this alternative.

Alternative IV - This alternative proposes to create a riparian enclosure and develop water sources to improve riparian conditions and livestock distribution. Approximately 6.3 miles of fence would be constructed, the existing grazing system would be changed, one spring would be developed, and juniper would be controlled at two sites. I did not select this alternative because there would be a small grazing increase in sage-grouse nesting areas, two crossing areas on Clear Creek would have heavy use, severe grazing impacts within the enclosure could occur if livestock or horses breeched the enclosure, maintenance costs would be higher than the other alternatives and the proposed action, year-round monitoring would be required for breeches by wild horses or livestock, and big game movement may be inhibited where the fence is close to or on steep slopes.

Alternative V-No Action - This alternative proposed no management activities or change in grazing system in the areas identified in the EA. I did not select this alternative because it was not responsive to improving the riparian conditions along Clear Creek, and it was not responsive to better livestock distribution.

In accordance with 43 CFR 4160.2, the permittee or other interested public may protest those portions of the proposed decision described above under 43 CFR 4160.1 in writing to the Three Rivers Resource Area Field Manager within 15 days from receipt of this proposed decision at this address:

Bureau of Land Management
Burns District Office
28910 Hwy 20 West
Hines, OR 97738

Any protest should specify the reasons clearly and concisely why the proposed decision is in error.

In the absence of a protest within 15 days from receipt of this proposed decision, this proposed decision shall constitute the final grazing management decision, without further notice in accordance with 43 CFR 4160.3(a). Should this proposed decision become the final grazing management decision and you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470(a) and 43 CFR 4160.4, your appeal must be filed within 45 days after receipt of the proposed decision, as provided for in 43 CFR 4160.3(a) and described above, in writing, at the office of the Field Manager, at the above address. A notice of appeal filed before the proposed decision becomes final will be treated as a protest. An appeal should specify the reasons, clearly and concisely, as to why you consider this grazing management decision to be in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

for Joan M. Suther
Joan M. Suther
Three Rivers Resource Area Field Manager

02/04/03
Date